



HEAD OF HOUSEHOLD AUDIT LETTER

We are reviewing your 2001 California income tax return to determine if you qualify for head of household filing status. We review the use of this filing status because it is commonly misunderstood.

To help us determine your filing status, you must complete our *Head of Household Audit Questionnaire* (pages 3 and 4) and return it to us by the response due date indicated above. If you need more space to answer any of the questions, please use a separate sheet of paper and attach it to the questionnaire.

Even if you determine that you do not qualify for the head of household filing status, you must complete and return the questionnaire. Please respond by the response due date above, or we will do the following:

- Deny your head of household filing status.
- Assess additional tax.
- To the extent allowed by law, impose a 25 percent penalty on the additional tax assessed, because you did not provide the requested information.

To return your completed questionnaire, please do **one** of the following:

- Mail it to us in the enclosed pre-addressed envelope. If you mail your response to an address other than the one on the enclosed envelope, it may delay our processing.
- Fax it to us using the above fax number. Fax only one copy of each page of the questionnaire (pages 3 and 4) and any supporting information. You do not need to use a fax cover sheet. If you fax your response, please do not mail us a paper copy of the questionnaire.

Please keep a copy of the completed questionnaire for your records.

If you have questions about the questionnaire, please refer to our *Head of Household: Frequently Asked Questions* (pages 6, 7, and 8). For telephone assistance, refer to *Head of Household Assistance Information* (page 2).

Thank you for your prompt attention to this matter.

HEAD OF HOUSEHOLD ASSISTANCE INFORMATION

To receive **automated telephone assistance** in completing the audit questionnaire, or to order *California Head of Household Filing Status* (FTB Pub. 1540), please call:

From within the United States.....(800) 555-4005
From outside the United States (not toll-free).....(916) 845-6600

Our **Taxpayer Service Center** is also available to answer any questions you may have about the questionnaire or the head of household filing status. Telephone assistance is available from 7 a.m. until 8 p.m. Monday through Friday and from 8 a.m. until 5 p.m. on Saturdays. We may modify these hours without notice to meet operational needs.

From within the United States, call.....(800) 852-5711
From outside the United States, call (not toll-free).....(916) 845-6500

Website at: **www.ftb.ca.gov**

Assistance for persons with disabilities: We comply with the Americans with Disabilities Act. Persons with hearing or speech impairments, please call TTY/TDD (800) 822-6268.

ASISTENCIA BILINGÜE EN ESPAÑOL

Para recibir **asistencia automática por teléfono** de como contestar esta carta de auditoría, o para ordenar la publicación 1540 (FTB Publication 1540), *California Estado Civil Cabeza de Familia*, por favor llame:

Dentro de los Estados Unidos llame al: (800) 555-4005 (número gratuito)
Fuera de los Estados Unidos llame al: (916) 845-6600 (este número no es gratuito)

Nuestro Centro de Servicio para el Contribuyente de Impuestos (Taxpayer Service Center) también está disponible para contestar cualquier pregunta que usted tenga con respecto a esta carta o sobre el estado civil de cabeza de familia. Nuestro servicio telefónico gratuito está disponible de lunes a viernes de 7 a.m. a 8 p.m. y los sábados de 8 a.m. a 5 p.m. Estas horas pueden ser cambiadas sin previo aviso.

Dentro de los Estados Unidos llame al: (800) 852-5711 (número gratuito)
Fuera de los Estados Unidos llame al: (916) 845-6500 (este número no es gratuito)

Asistencia para personas discapacitadas: Nosotros estamos en conformidad con la Acta de Americanos Discapacitados. Personas con problemas auditivos pueden llamar al TTY/TDD (800) 822-6268.



HEAD OF HOUSEHOLD AUDIT QUESTIONNAIRE

2001

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Please provide the information requested below. See page 5 of this letter for head of household qualification requirements. **For Audit, Contact and Privacy Notices, see the enclosed form FTB 1015C.**

(1) Check one box below to identify the relationship of the person you believe qualified you for the head of household filing status.

- ☐ Son, Daughter, Stepson, or Stepdaughter
- ☐ Grandchild
- ☐ Foster Child
- ☐ Father or Mother
- ☐ Brother, Sister, Stepbrother, or Stepsister
- ☐ Grandfather, Grandmother, Stepfather, or Stepmother
- ☐ Son-in-law, Daughter-in-law, Father-in-law, Mother-in-law, Brother-in-law, or Sister-in-law
- ☐ Uncle, Aunt, Nephew, or Niece
- ☐ Other (please explain) _____
(You cannot claim yourself, your spouse, or your tax preparer)

(2) Provide the social security number, name, and age of the qualifying person you indicated in question (1).

Social Security Number: -- Name: _____

Age in years as of 12/31/2001: If less than one year old, age in months:

(3) Were you entitled to claim the qualifying person as your dependent for 2001?

☐ Yes ☐ No

(4) Did the qualifying person live with you the entire year of 2001?

☐ Yes. Skip Question 5. Go to Question 6.

☐ No. List the beginning and ending dates of each period the person lived with you during 2001, or provide the total number of days the person lived with you during 2001.

From // To // OR

From // To //

From // To //

From // To //

☐☐☐

Total number of days
(More than 12 hours each day)

(5) If your qualifying person did not live with you for the entire year in 2001, check one box below that best explains the main reason your qualifying person was absent from your home.

☐ Lived away at school ☐ Military Service ☐ Hospital ☐ Birth or Death ☐ College

☐ Lived with other parent ☐ Moved out ☐ Other (please explain) _____

(6) Was the qualifying person married as of December 31, 2001? ☐ Yes ☐ No

If yes, did this person file a joint tax return for 2001 with his or her spouse? ☐ Yes ☐ No

(7) If the qualifying person is not your birth, adopted, or stepchild, did the parent(s) of the qualifying person live in the home with you at any time during the year?

☐ Yes ☐ No

(8) As of December 31, 2001 were you single? (For purposes of this question "single" means: never legally married, or widowed [spouse died before January 1, 2001], or received a final court decree of divorce or legal separation that was effective on or before December 31, 2001, or received a final court decree of annulment.)

☐ Yes ☐ No

(9) If you were legally married during all or part of 2001, did you live with your spouse at any time during that year? (You were legally married in 2001 if you did not receive a final court decree of divorce or legal separation that was effective on or before December 31, 2001, or did not receive a final court decree of annulment.)

☐ No

☐ Yes. List beginning and ending dates of each period that you lived with your spouse during 2001.

From / / To / / From / / To / /

From / / To / / From / / To / /

Please provide a telephone number and the best time we can reach you between 6:30 a.m. and 7 p.m. Monday through Friday, if we need more information.

Best time to call: _____ Telephone number:

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(Area Code) (Number) (Extension)

I declare under penalty of perjury that the above statements are true and correct to the best of my knowledge and belief.

Signature _____ **Date** _____

HEAD OF HOUSEHOLD QUALIFICATION REQUIREMENTS FOR 2001

You qualify for the head of household filing status if your marital status is one of the following...	AND you paid more than half the cost of keeping up your home as the main home for one of the following qualifying individuals:
<p>SINGLE-For head of household purposes "single" means one of the following:</p> <ul style="list-style-type: none"> • NEVER MARRIED • DIVORCED UNDER A FINAL DECREE by December 31, 2001 • LEGALLY SEPARATED UNDER A FINAL DECREE by December 31, 2001 • MARRIAGE ANNULLED UNDER A FINAL DECREE • WIDOWED (Spouse died before January 1, 2001) <p>NOTE: If you meet one of the above requirements you are "unmarried" for tax purposes.</p>	<p>A. YOUR DEPENDENT child, stepchild, grandchild, brother, sister, stepparent, grandparent, stepbrother, stepsister, son-in-law, daughter-in-law, father-in-law, mother-in-law, brother-in-law, or sister-in-law, who lived with you for more than half of 2001; OR your blood-related DEPENDENT uncle, aunt, nephew or niece who lived with you for more than half of 2001.</p> <p>Your child or grandchild, who is unmarried as of the last day of the tax year, does not need to be your dependent.</p> <p>B. YOUR DEPENDENT FOSTER CHILD who lived with you during all of 2001. A foster child is one who is in the care of someone (other than the child's parents) who cares for the child as his or her own child. The foster relationship must have begun while the child was a minor.</p> <p>NOTE: The child of a person you lived with is not your foster child, even if the child lived with you all year, because the child was in the care of his or her parent.</p> <p>C. YOUR DEPENDENT PARENT for whom you provided more than half the cost of keeping up a home for all of 2001. Your parent need not live with you.</p> <p>NOTE: In determining whether your home was a qualifying person's main home for more than half of 2001, you may include:</p> <ul style="list-style-type: none"> • Half of the time during which you, your spouse, and your qualifying person lived together and all of the time that you and your qualifying person lived together without your spouse. • Time your qualifying person was temporarily absent from your home. Temporary absences include vacations, illness, business, school, or military service. <p>DO NOT include any time your qualifying person was in the custody of another person under either a formal or informal custody agreement.</p>

OR

You qualify for the head of household filing status if you are....	AND you paid more than half the cost of keeping up your home as the main home for one of the following qualifying individuals:
<p>LEGALLY MARRIED but living apart from your spouse for the last six months of 2001.</p> <p>NOTE: If you meet this requirement you are "considered unmarried" for tax purposes.</p>	<p>A. YOUR DEPENDENT CHILD OR STEPCHILD who lived with you for more than half of 2001.</p> <p>B. YOUR DEPENDENT FOSTER CHILD who lived with you during all of 2001. A foster child is one who is in the care of someone (other than the child's parents) who cares for the child as his or her own child. The foster relationship must have begun while the child was a minor.</p> <p>NOTE: The child of a person you lived with is not your foster child, even if the child lived with you all year, because the child was in the care of his or her parent.</p> <p>NOTE: In determining whether your home was a qualifying person's main home for more than half of 2001, you may include:</p> <ul style="list-style-type: none"> • Half of the time during which you, your spouse, and your qualifying person lived together and all of the time that you and your qualifying person lived together without your spouse. • Time your qualifying person was temporarily absent from your home. Temporary absences include vacations, illness, business, school, or military service. <p>DO NOT include any time your qualifying person was in the custody of another person under either a formal or informal custody agreement.</p>

Please refer to *California Head of Household Filing Status* (FTB Pub. 1540), for definitions of the terms used in the qualification requirements.



Head of Household: Frequently Asked Questions

1. Q. What if I need more space to answer the questions on the audit questionnaire?

A. If you need more space to answer any of the questions, please use a separate sheet of paper and attach it to the audit questionnaire or include it with your tax response.

2. Q. Why do you want to know my marital status?

A. Your marital status is a factor in determining if you qualify for the head of household filing status.

3. Q. Who is a qualifying person?

A. A qualifying person is a relative or foster child who can qualify you for the head of household filing status. (See *Head of Household Qualification Requirements for 2001* [page 5] for specifics.) You may not claim yourself, your spouse, or your tax preparer as your qualifying person.

4. Q. I lived with my girlfriend and her child during the year. May I consider the child as my stepchild or foster child and claim the head of household filing status using the child as my qualifying person?

A. No. Because you were never married to the child's parent, the child was not your stepchild, and the child cannot qualify you for the head of household filing status. A foster child is in the care of someone (other than the child's parents) who cares for the child as his or her own child. Because this child lived with and was cared for by a parent, the child cannot be considered as your foster child and cannot qualify you for the head of household filing status. You may be eligible to claim a dependent exemption for the child if the child meets all five dependent exemption tests. See page 25 of the California Resident Personal Income Tax Booklet for 2001 to determine if you qualify for the dependent exemption.

5. Q. I pay more than half of my parent's support, but my parent does not live in the United States. Can my parent qualify me for the head of household filing status?

A. To qualify you for the head of household filing status, your parent must be a United States citizen, resident or national, or be a resident of Mexico or Canada. You must meet the requirements to claim your parent as your dependent, and you must meet all the other requirements for head of household filing status. See *California Head of Household Filing Status* (FTB Pub. 1540) for more information. You can obtain the FTB Pub. 1540 by contacting our Taxpayer Service Center (see *Head of Household Assistance Information*, [page 2]), or visit our Website at www.ftb.ca.gov.

6. Q. Can my child qualify both me and my child's other parent for the head of household filing status?

A. No. A child can qualify only one parent for the head of household filing status, and that parent must meet all the head of household requirements. (See *Head of Household Qualification Requirements for 2001* [page 5].)

7. Q. My spouse and I lived apart the entire year, but we are still legally married. My son lives with me and I meet the requirements to claim a dependent exemption for him, but I have signed an agreement allowing his other parent to claim the dependent exemption. Can I still file using the head of household filing status?

A. Yes. To claim the head of household filing status if you are legally married at the end of the tax year, you must be entitled to claim your child as a dependent. However, if you cannot claim your child as a dependent because you signed an agreement allowing the other parent to claim the exemption, you can file using the head of household filing status if you meet all of the other head of household requirements.

8. Q. I am divorced. My ex-spouse and I lived apart and shared equal custody of our child, who lived with each of us for 50 percent of the tax year. Can I claim the head of household filing status?

A. No. To claim the head of household filing status your child must have lived with you for **more than** 50 percent of the tax year. However, you may qualify for the Credit for Joint Custody Head of Household. See page 18 of the California Resident Personal Income Tax booklet for 2001 to determine if you qualify for the Credit for Joint Custody Head of Household.

9. Q. My husband and I separated during the year. Our son lived with me after we separated. I want to use the head of household filing status. In figuring the number of days our son lived with me, can I include the time he lived with my husband and me before we separated?

A. You can include half of the time during which you, your spouse, and your son lived together and all of the time that you and your son lived together in your home when your spouse did not live there. In determining if your home was your son's main home for more than half of the year, do **not** include any time your son was in the custody of another person under a formal or informal custody agreement.

10. Q. My spouse and I were separated from the beginning of 2001 until November of 2001, when we reconciled. Since we were separated for more than six months of the year, can I still file using the head of household filing status?

A. No. To qualify for the head of household filing status you must live apart from your spouse for the **entire last six months** of the tax year. Because you lived with your spouse during a part of the last six months of the tax year, you do not qualify for the head of household filing status.

11. Q. Can I claim the child of my registered domestic partner as my qualifying person for head of household filing status based on the *Hisserich* decision?

- A. No. The Sacramento Superior Court in the case of *Proposition 22 Legal Defense and Education Fund v. State Board of Equalization* decided that the decision in the *Appeal of Helmi Hisserich* is contrary to the law and can no longer be followed by Franchise Tax Board.

12. Q. Can I provide the head of household information when I file my tax return?

- A. Yes. If you electronically file your tax return using the head of household filing status you can include the head of household information with your tax return by completing the Schedule HOH/FTB 1540E. This may help you avoid receiving an audit questionnaire for that tax year. To find out more about e-filing, talk to your tax preparer, if you use one, or visit our Website at www.ftb.ca.gov.